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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,517	11/03/2000	Michael J. O'Phelan	279.235US1	6527

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EXAMINER

HA, NGUYEN T

ART UNIT PAPER NUMBER

2831

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

## Application No.

09/706,517

## Applicant(s)

O'PHELAN, MICHAEL J.

## Examiner

Nguyen T Ha

## Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 8/27/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-7 and 16-39 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-3 and 8-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Casby et al. (US 6,118,652).

Regarding claim 1, Casby et al. disclose a capacitor (figures 6-10) comprising:

- an aluminum case (90);
- a capacitor stack (225) mounted within the aluminum case, the capacitor stack comprising one or more anodes (175) and one or more cathodes (185), one of the one or more anodes or one of the one or more cathodes attached to the aluminum case (figure 9);
- wherein the case is adapted to be an active anode or cathode layer to functionally service the capacitor (figure 9).

Regarding claim 2, Casby et al. disclose the case is etched and being adapted to be an active cathodic element servicing one or more anodes of the capacitor stack which are adjacent the case (column 47, lines 42-44).

Regarding claim 3, Casby et al. disclose the case is adapted to be an active anodic element (column 47, lines 42-44).

Regarding claim 8, Casby et al. disclose a method comprising:

- forming and aligning a capacitor stack (265) including at least one anode stack (175) and at least one cathode stack (185);
- etching at least a portion of an inner surface of a capacitor case, the inner surface including an upper inner surface/cover (110) and a lower inner surface (column 46, lines 24-25);
- disposing the capacitor stack in the capacitor case (figure 9), and an at least one anode stack is adjacent the inner surface of the capacitor case; and
- disposing a separator (180) between the at least one anode and the inner surface of the case.

Regarding claim 9, Casby et al. further disclose the etching layers of the anode stack (column 20, lines 33-44).

***Allowable Subject Matter***

4. Claims 4-7 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claims 4-7, the prior art alone or in combination does not teach the limitation of a capacitor comprising:

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- a plurality of anode stacks including a first anode stack disposed adjacent to an etched inner surface, the first anode stack having a major surface facing an etched inner surface of a case and having an electrolyte saturated separator disposed between the etched inner surface and the major surface to facilitate charge storage between the etched inner surface and the major surface.

With respect to claims 16-25, the prior art alone or in combination does not teach the limitation of a capacitor assembly comprising:

- at least one anode stack including one or more anode conductive layers and an anode separator;
- at least one cathode stack including one or more cathode conductive layers;
- a capacitor case sized to receive therein the capacitor stack, the capacitor case including a conductive surface, and one or more of the anode conductive layers electrically coupled with the conductive surface of the capacitor case.

With respect to claims 26-27, the prior art alone or in combination does not teach the limitation of a capacitor assembly comprising:

- at least one anode stack including one or more anode conductive layers and an anode separator;
- a capacitor case sized to receive therein the anode stack, the capacitor case including a inner conductive surface; and
- means for electrically coupling the at least one anode stack with the inner conductive surface.

With respect to claims 28-29, the prior art alone or in combination does not teach the limitation of a capacitor assembly comprising:

- an etched capacitor case sized to receive therein the capacitor stack, the capacitor case including a conductive surface, and the exposed outer anode edge electrically coupled with the conductive surface of the capacitor case;
- a cathode feedthrough coupled with at least one cathode stack, the cathode feedthrough extending through and is insulated from an opening of the case; and
- each of the cathode conductive layers is defined in part by a cathode edge surface, and each of the anode conductive layers is defined in part by an anode edge surface, and the cathode edge surface is offset from the anode edge surface.

With respect to claims 30-39, the prior art alone or in combination does not teach the limitation of a method comprising:

- stacking at least one anode stack including one or more conductive anode layers and an anode separator;
- stacking at least one cathode stack including one or more conductive cathode layers and a cathode separator;
- aligning and stacking the at least one anode stack and the at least one cathode stack to form a capacitor stack; and
- electrically coupling the anode stack with a capacitor case.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claim 10, the prior art alone or in combination does not teach the limitation of a capacitor further comprising confronting a major surface of a second anode stack with the lower inner surface of the case.

With respect to claim 11, the prior art alone or in combination does not teach the limitation of a capacitor further comprising etching an entire inner surface of the case.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T Ha whose telephone number is 703-308-6023. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 703-308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3432 for regular communications and 703-305-3431 for After Final communications.

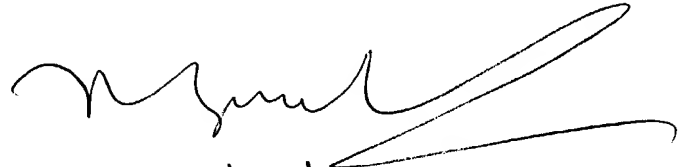
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

**NH**  
**November 28, 2003**

  
11/28/03